

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GUEGLER et al.

Art Unit: 1647

Serial No. 09/776,705

Examiner: B. Bunner

Filed: February 6, 2001

Atty. Docket: CL001010

For: ISOLATED HUMAN TRANSPORTER  
PROTEINS, NUCLEIC ACID MOLECULES  
ENCODING HUMAN TRANSPORTER  
PROTEINS, AND USES THEREOF

## PRELIMINARY AMENDMENT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

This is in response to the Written Restriction Requirement communicated by the Examiner Bunner on August 13, 2002 for the above referenced application. Please charge the Petition for Two-Month Extension of Time to Deposit Account No. 50-0970.

By way of response, Applicants hereby elect claim group III, claims 4-5, 8-11 and 22-23, directed to nucleic acid molecules, vectors, host cells, etc., for examination. Applicants have canceled claims corresponding to the non-elected groups I, II, IV-VI, VIII-X.

However, Applicants respectfully request that the Examiner reconsider the claim division and include claim 13 in the elected group. Specifically, the point of novelty of claim 13 is the nucleic acid molecules of the claim from which it depends, claim 5. The dependent claim 13 provides a specific use (method of detecting a nucleic acid of claim 5) of the subject matter and it is believed that examination of this claim would not unduly burden the Examiner with additional review issues.